

INTERGOVERNMENTAL AGREEMENT

BETWEEN
THE STATE OF ARIZONA
AND
THE COUNTY OF PIMA

THIS AGREEMENT, entered into this 3rd day of December, 1979, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, by and between the STATE OF ARIZONA, acting by and through the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter called "STATE", and the COUNTY OF PIMA, hereinafter called "COUNTY",

WHEREAS, STATE is charged by Arizona Laws 1979, Chapter 217 (H.B. 2457), Section 13, Subsection 8 to administer funds appropriated for the construction of bridges needed because of extensive flooding and the Director of the ARIZONA DEPARTMENT OF TRANSPORTATION has delegated to the undersigned his authorization to execute this Agreement on behalf of STATE; and

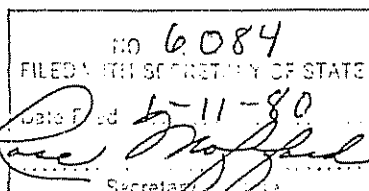
WHEREAS, COUNTY has met the requirements imposed by said chapter and section to receive part of said funds for the bridge site hereinafter designated, and through its duly elected governing body, has by that certain resolution attached hereto and incorporated herein as Exhibit "A" resolved to enter into this Agreement and has authorized the undersigned as its representative to execute the same on behalf of COUNTY; and

WHEREAS, both parties wish to set forth their respective responsibilities and the guide lines to fulfill the mandate of said chapter.

NOW, THEREFORE, the parties hereto covenant and agree as follows:

COUNTY SHALL:

1. Have the option of either using its own engineering staff to design the bridge hereinafter designated or to employ a consulting engineer or engineering firm to design it. If a consulting



engineer or engineering firm is utilized State shall be advised of the firm selected and the starting date of the contract.

2. Design said bridge or cause it to be designed in accordance with the American Association of State Highway and Transportation Officials' bridge design standards and under the supervision of a registered professional engineer and shall so certify to State. The criteria to be used shall be that of the 50 year flood.

3. Call for bids and award a construction contract to the successful bidder, and advise State as to the successful bidder.

4. Administer and oversee the construction contract, assuring that the bridge is built according to Arizona Department of Transportation Standard Specifications for Road and Bridge Construction, Edition of 1969 or Standard Specifications adopted by County or other approved construction standards.

5. Upon completion of construction, certify to State that the bridge was constructed under the supervision of a registered professional engineer and in accordance with the approved plans and specifications and that County has accepted the bridge. Thereafter County shall have the maintenance responsibility for said bridge.

6. Submit monthly billings to State's Local Government Section, Highways Division for payment of not more than 75% of the cost of construction, including the necessary incidentals of foundation, investigation, design, essential right of way acquisition, diking, site preparation and minimal bridge approach work required to utilize the bridge. The bridge site and the maximum amount to be applied is as follows:

a. Houghton Road over Pantano Wash, \$1,725,000.00, no more than \$500,000.00 of which may be expended in the fiscal year 1979-80.

7. Provide matching funds of at least 25% of the cost of the bridge. It is understood that should the above amount not cover the entire 75% of the costs of the bridge, County shall pay any amount needed in excess of and in addition to the 25% set out herein in

order to assure the completion of the bridge.

8. Assure that its accounting procedures are satisfactory for documentation of all costs related to the construction of the bridge and shall make its accounting records available for audit by State agents or employees at all reasonable hours.

STATE SHALL:

1. Make payments only from the funds allocated by and according to the terms of said chapter and section of the above cited law.

2. Monitor expenditures and audit the accounting records of County to make certain that payments to County do not exceed the specified limitations. It is understood that any funds unexpended and unencumbered on July 1, 1982 shall revert to the State general fund.

I. This Agreement shall remain in force and effect until the work herein embraced has been completed in accordance with the terms of the Agreement or until earlier terminated by either STATE or COUNTY upon thirty (30) days' written notice of that intent, except, however, that the parties hereto shall retain any continuing obligations contemplated by this Agreement.

II. This Agreement shall be filed with the Secretary of State and shall become effective on the date of its being filed with the Secretary of State.

III. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that COUNTY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

IV. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 33-511.

IN WITNESS WHEREOF, the parties have executed this Agreement the
day and year first written above.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By J. M. Metz
Chief Deputy State Engineer

PIMA COUNTY, ARIZONA

By E. S. Wall
Title Chairman, Pima County
Board of Supervisors

ATTEST:

Eugenia H. Stiles
CLERK OF THE BOARD OF SUPERVISORS

Certificate of Clerk

Board of Supervisors of Pima County, Arizona

State of Arizona }
County of Pima }

I, Eugenia W. Wells, the duly appointed, qualified, and acting Clerk of the Board of Supervisors of Pima County, Arizona, hereby certify that the following is a true, correct and compared extract of the minutes of a meeting of the Board of Supervisors held on the ___ 3rd ___ of ___ December ___ 19 79, and that a quorum was present thereat.

GA-STATE: TRANSPORTATION (DEPARTMENT OF)
ROADS-HOUGHTON: M (BRIDGE-PANTANO WASH)

It was moved by Supervisor Dusenberry, seconded by Supervisor Yetman, and unanimously carried, the Chairman be authorized and directed to execute an Intergovernmental Agreement with the State of Arizona, Department of Transportation, for the construction of a bridge on Houghton Road across the Pantano Wash.

In Witness Whereof, I have hereunto set my hand and affixed the official seal of the Board of Supervisors of Pima County, Arizona this ___ 27th ___ day of ___ December ___ 19 79

Eugenia W. Wells
Clerk

RESOLUTION AND ORDER NO. 1979 - 109

RESOLUTION OF THE PIMA COUNTY BOARD OF SUPERVISORS
TO ENTER INTO AN AGREEMENT WITH THE STATE OF ARIZONA
FOR THE CONSTRUCTION OF A BRIDGE ON HOUGHTON ROAD AT
PANTANO WASH

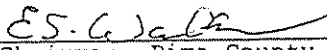
WHEREAS, Pima County desires to proceed with
the construction of a bridge at Houghton Road and
Pantano Wash, and

WHEREAS, funds have been allocated for the
bridge from the State general fund by Arizona Laws,
1979, Ch. 217, (H.B. 2457), Sec. 13, subsection 8
in the amount of \$1,725,000, and


WHEREAS, said bridge project was authorized
by approval of bond funds for the remaining costs;

NOW, THEREFORE, IT IS HEREBY RESOLVED that
Pima County agrees to enter into an agreement with
the State of Arizona, acting through the Arizona
Department of Transportation, for construction of
the aforementioned bridge and authorize the Chairman
of the Pima County Board of Supervisors to enter into
such an agreement. This Resolution will then be
incorporated in the Agreement and attached thereto
as Exhibit A.

PASSED AND ADOPTED this 4th day of September, 1979.


Chairman, Pima County
Board of Supervisors

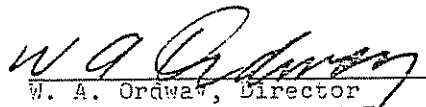
ATTEST:


Clerk, Pima County
Board of Supervisors

RESOLUTION

BE IT RESOLVED on this 13th day of August, 1979, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona for the Highways Division of the Department of Transportation to enter into an intergovernmental agreement with Pima County for the construction of a bridge with funds allocated from the State general fund by Arizona Laws 1979, Chapter 217, (H.B. 2457), Section 13, subsection 9.

Therefore authorization is hereby given to draft an agreement for said purpose, which upon completion shall be returned for approval and execution by the Chief Deputy State Engineer on behalf of the department.


W. A. Ordway, Director
Arizona Department of Transportation

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

I have reviewed the proposed intergovernmental agreement between the State of Arizona and Pima County, Arizona, which agreement provides for the construction of the Houghton Road Bridge pursuant to Arizona Laws 1979, Chapter 217 (H.B. 2457), Section 13, Subsection 8 (45-2732, Sec. 13, Subsection 8). I have determined that said proposed intergovernmental agreement is in proper form and is within the powers and authority granted to Pima County and its agencies under the Laws of the State of Arizona. My review was pursuant to A.R.S. § 11-952.

Dated this 20TH day of November, 1979.

STEPHEN D. NEELY
PIMA COUNTY ATTORNEY


By 
John R. Neubauer
Deputy County Attorney

EXHIBIT B

August 18, 1981

Mr. C. H. Huckelberry, Director
Pima County Highway Department
1313 S. Mission Road
Tucson, Arizona 85713

Re: HB-983-902
Amendment to Bridge Agreement

Dear Mr. Huckelberry:

Enclosed for your records is a fully executed copy of the referenced amendment. The amendment was filed with the Secretary of State on August 17, 1981, and it became effective on that date.

If we can be of further help, please call on us.

Sincerely yours,

WALTER E. PELLETT
Assistant State Engineer
Local Government Section

CM: df
Encl.



OFFICE OF THE
Attorney General
1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
ATTORNEY GENERAL

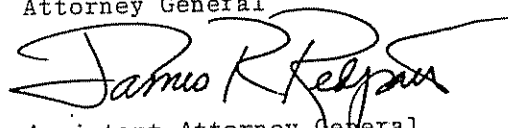
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 80-483, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 16th day of July, 1980.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division

HB-983-902

AMENDMENT
TO
INTERGOVERNMENTAL AGREEMENT
(Houghton Road Bridge)

This amendment is made this 17th day of June, 1980, by and between the STATE OF ARIZONA, acting by and through its Department of Transportation, hereinafter called "STATE," and the COUNTY OF PIMA, hereinafter called "COUNTY," for the purpose of amending that certain Intergovernmental Agreement dated December 3, 1979, between the parties hereto. This Amendment is necessary to revise the sums to be contributed by STATE in carrying out the terms of said agreement, in accordance with Arizona Laws 1980, Chapter 193 (S.E. 1163).

THEREFORE, it is agreed that

1. The previous Intergovernmental Agreement shall remain in full force and effect, with the exception of the maximum amount to be applied to the bridge site as set forth in paragraph 6a, which amount is hereby changed from \$1,725,000.00 to \$2,410,500.00.
2. This amendment shall be made a part of and an attachment to said previous agreement dated December 3, 1979.

IN WITNESS WHEREOF, the parties hereto have executed this instrument the day and year first above written.

STATE OF ARIZONA
ARIZONA DEPARTMENT OF TRANSPORTATION

By 
Acting State Engineer

PIMA COUNTY, ARIZONA


By 

Title Chairman
Board of Supervisors

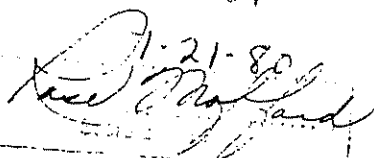
ATTEST:


CLERK OF BOARD OF SUPERVISORS

APPROVED AS TO FORM:


John R. Neubauer
Deputy County Attorney

CM:db
6-3-80

6084
11-21-80


Certificate of Clerk

Board of Supervisors of Pima County, Arizona

State of Arizona }
County of Pima }

I, Eugenia W. Wells, the duly appointed, qualified, and acting Clerk
of the Board of ^{Directors} ~~Supervisors~~ of Pima County, Arizona, hereby certify that the
following is a true, correct, and compared extract of the minutes of a meeting of
the Board of ^{Directors} ~~Supervisors~~ held on the 17th of June,
19⁸⁰, and that a quorum was present thereat.

3. ROADS-HOUGHTON: M (BRIDGE, FLOOD CONTROL)

(See attached minute extract)

In Witness Whereof, I have hereunto set my hand and affixed the official
seal of the Board of ^{Directors} ~~Supervisors~~ of Pima County, Arizona this 2nd
day of July 19⁸⁰

Eugenia W. Wells,
Clerk by JST

MINUTES, PIMA COUNTY FLOOD CONTROL DISTRICT MEETING

JUNE 17, 1980

1. The Board of Directors of Pima County Flood Control District met in regular session in the regular meeting place of the Board of Supervisors on the First Floor of the Superior Courts Building, Governmental Center, Tucson, Arizona, on Tuesday, June 17, 1980. Upon roll call, those present and absent were as follows:

Present: Katie Dusenberry, Member
Conrad F. Joyner, Member
Sam Lena, Member
E. S. "Bud" Walker, Chairman
David A. Yetman, Member
Eugenia W. Wells, Clerk

Absent: None

2. ROADS-ORACLE: M. (BRIDGE, FLOOD CONTROL)

On recommendation of the Flood Control District Director (Charles H. Huckelberry), it was moved by Supervisor Dusenberry, seconded by Supervisor Joyner, and unanimously carried, the Chairman be authorized and directed to execute an amendment to the contract with Simons, Li & Associates. The contract is in connection with the 1979 Bond Project Sediment and Debris Transport Analysis for Oracle Road Bridge and four other bridge locations.

It was further moved by Supervisor Dusenberry, seconded by Supervisor Joyner, and unanimously carried, the Chairman be authorized and directed to execute Change Order No. 1 on the contract with Simons, Li & Associates, for the sediment and debris transport analysis on four additional bridge locations at a \$40,000 increase in price.

3. ROADS-HOUGHTON: M. (BRIDGE, FLOOD CONTROL)

On recommendation of the Flood Control District Director, it was moved by Supervisor Dusenberry, seconded by Supervisor Joyner, and unanimously carried, the Chairman be authorized and directed to execute an amendment to an inter-governmental agreement with the Arizona Department of Transportation relating to the Houghton Road Bridge Project.

4. DIST-FLOOD CONTROL: CANADA DEL ORO WASH FLOODPLAIN, CATALINA

On recommendation of the Flood Control District Director, it was moved by Supervisor Dusenberry, seconded by Supervisor Joyner, and unanimously carried, in connection with engineering assistance to conduct survey and damage assessment studies within the Canada Del Oro Wash Floodplain, the Board pass and adopt

RESOLUTION NO. 1980-FC-2

entitled RESOLUTION OF THE BOARD OF DIRECTORS OF PIMA COUNTY FLOOD CONTROL DISTRICT TO ENTER INTO AN AGREEMENT WITH THE ARIZONA WATER COMMISSION FOR ENGINEERING ASSISTANCE TO CONDUCT SURVEY AND DAMAGE ASSESSMENT STUDIES WITHIN THE CANADA DEL ORO WASH FLOODPLAIN IN THE VICINITY OF CATALINA, ARIZONA.

5. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned.

ATTEST

Chairman


Clerk

6-17-80 (1)

RESOLUTION

BE IT RESOLVED on this 16~~th~~ day of May, 1980, that I, W. A. Ordway, Director of the Arizona Department of Transportation, have determined that it is in the best interests of the Arizona Department of Transportation by and through its Highways Division to enter into an amendment of that intergovernmental agreement dated December 3, 1979, with Pima County to include additional funds allocated from the State general fund by Arizona Laws 1980, Chapter 193 (S.B. 1163), Section 2.

THEREFORE, authorization is hereby given to draft an amendment for said purpose which, upon completion, shall be returned for approval and execution by the Chief Deputy State Engineer on behalf of the Department.


W. A. Ordway, Director
ARIZONA DEPARTMENT OF TRANSPORTATION



OFFICE OF THE
Attorney General
1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX, ARIZONA 85007

ROBERT K. CORBIN
~~XXXXXXXXXXXX~~
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A. G. Contract No. 79-835 which is an agreement between public agencies has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 4th day of January, 1979⁸²

ROBERT K. CORBIN
Attorney General

Assistant Attorney General